

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

TROY LILLIE, ET AL.

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CIVIL ACTION

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VERSUS

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DOCKET NO. 3:13 CV 3127

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JUDGE DAVID C. GODBEY

**STANFORD TRUST COMPANY,
ET AL.**

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MAGISTRATE D. GORDON BRYANT JR.

MEMORANDUM IN SUPPORT OF
MOTION FOR DISMISSAL OF THE SUMMARY JUDGMENT FILED BY SEI (ECF 249)
OR IN THE ALTERNATIVE, MOTION TO OBTAIN A CONTINUANCE
UNDER RULE 56(D) UNTIL DISCOVERY IS COMMENCED
AND SUBSTANTIALLY COMPLETED

In support of this instant motion, Plaintiffs, **TROY LILLIE, ET AL.**, hereby adopt the IRA Plaintiffs' "Motion for Dismissal of the Summary Judgment filed by SEI (ECF 249) Or In The Alternative, Motion to Obtain A Continuance Under Rule 56(D) Until Discovery Is Commenced and Substantially Completed And Memorandum in Opposition to the Motion for Summary Judgment of SEI (ECF 249)" filed as ECF 261 contemporaneously with this motion. SEI's Motion for Summary Judgment should be denied.

Plaintiffs, **TROY LILLIE, ET AL.**, have not been permitted to conduct substantive discovery to assist in defending the Motion for Summary Judgment for the reasons set forth in the Declaration of Phillip W. Preis and the reasons set forth at pages 13 to 26 of the Memorandum in Opposition to the Motion for Summary Judgment of SEI (ECF 249) filed as ECF 261.

Pursuant to Federal Rule of Civil Procedure 56(D), and for the reasons stated in the attached Declaration of Phillip W. Preis, Plaintiffs move this Court to deny SEI's Motion for Summary Judgment or in the alternative, grant a continuance on the further briefing of the issue until Plaintiffs have been afforded reasonable time to conduct discovery.

Respectfully submitted by:

PREIS GORDON, APLC

s/Phillip W. Preis

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 15, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing as authorized by the Court and the Federal Rules of Civil Procedure.

s/ Phillip W. Preis

Phillip W. Preis